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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-0557 SI
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME UNDER THE
ANTHONY DECUIR,)	SPEEDY TRIAL ACT, 18 U.S.C. § 3161
)	<u>ET SEQ.</u>
Defendant.)	
_____)	

The United States of America, by and through its attorney of record, and defendant Anthony Decuir (“defendant”), by and through his attorney of record, hereby stipulate as follows:

1. On December 21, 2012, this Court granted the defendant’s request to continue the matter to February 8, 2012 at 11 a.m. For the reasons stated in open court on December 21, 2012, and with defendant’s consent, the Court excluded time under the Speedy Trial Act from December 21, 2012 through February 8, 2013 to provide the defense lawyer with additional time for investigation and for effective preparation.

2. The parties stipulate and agree that this matter should be continued to March 22, 2013 and that the failure to grant such a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence. The defense lawyer is currently involved in a multi-defendant

1 homicide preliminary hearing in San Francisco Superior Court, which is expected to last for three
2 weeks. In addition, the defense lawyer seeks additional time to obtain state court records of
3 defendant's prior convictions in two jurisdictions so that he may properly advise the defendant on
4 how to best proceed in this case. In light of the defense lawyer's current unavailability, he has
5 requested that government's counsel prepare this stipulation and proposed order on his behalf.

6 3. The parties further stipulate and agree that the time from February 8, 2013 through
7 March 22, 2013 should be excluded in accordance with the provisions of the Speedy Trial Act, 18
8 U.S.C. § 3161(h)(7)(A), on the basis that the ends of justice are served by taking such action which
9 outweigh the best interest of the public and the defendant in a speedy trial and also under section
10 (B)(iv) for effective preparation of counsel and continuity of counsel, taking into account the
11 exercise of due diligence.

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13 Dated: February 4, 2013

MELINDA HAAG
United States Attorney

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15 /s/
DEBORAH R. DOUGLAS
Assistant United States Attorney

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17 Dated: February 4, 2013

18 /s/
TONY TAMBURELLO, Esq.
Attorney for Defendant Anthony Decuir

MELINDA HAAG (CABN 132612)
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UNITED STATES OF AMERICA,)	No. CR 12-0557 SI
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v.)	ORDER EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT, 18 U.S.C. § 3161 <u>ET</u>
ANTHONY DECUIR,)	<u>SEQ.</u>
)	
Defendant.)	

GOOD CAUSE APPEARING, and based upon the parties' stipulation, IT IS HEREBY ORDERED that the above-captioned matter shall be continued to March 22, 2013 at 11 a.m. and that the time from February 8, 2013 through March 22, 2013 shall be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The Court finds that (A) failure to grant the continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of

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1 due diligence; and (B) the ends of justice served by the continuance outweigh the best interests
2 of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(1)(7)(A) & (B)(iv).

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4 **IT IS SO ORDERED.**

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6 Dated: February 4, 2013

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9 HONORABLE SUSAN ILLSTON
10 United States District Judge
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